IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO : 9785 of 2003

Between:

Mekala Chandra Shekara Reddy,

S/o.Mekala Bhoopal Reddy,

Vattinagulapally Village,

Rajendranagar Mandal,

Ranga Reddy District.

..... PETITIONER

AND

1. Deputy Collector & Mandal Revenue Officer,

Rajendra Nagar Mandal, Rajendranagar,

Ranga Reddy District.

2. The District Collector,

Ranga Reddy District,

Khairatabad, Hyderabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or direction more particularly one in the nature of Writ of Mandamus declaring the letter No.D/1723/2002, Dt.28.3.2003 and subsequent Memo vide Record No.C/373/2003, Dt.29.4.2003 as illegal, arbitrary and without jurisdiction and consequently direct the respondents not to dispossess the petitioner from the land in Sy.No.3, an extent of 0.33 guntas situated at Vattinagulapally Village, Rajendra Nagar Mandal, Ranga Reddy District, without following due process of law.

For the Petitioner: Mr. Ashok Kumar Advocate.

For the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

The petitioner and his family members allege that they are in possession and enjoyment of the land admeasuring Ac.0.33 guntas in S.No.3 of Vattinagulapally Village of Rajendranagar Mandal in Ranga Reddy District. In 2002 it appears Sarpanch of the village gave permission for construction of school in the said land. The petitioner brought to the notice of the Sarpanch that petitioner and his family members are in possession and enjoyment of the land and requested to drop the matter. The District Collector directed the Mandal Revenue Officer to conduct enquiry into the matter. The petitioner alleges that without notice to him, Mandal Revenue Officer addressed a letter to the second respondent dt.28.3.2003 informing that after inspection of the land Mandal Revenue Officer found that the land is suitable for village development purpose and that nobody was in possession of the land and that in view of the ban, no assignment can be made. After that, the respondents allegedly tried to dispossess the petitioners without any prior notice. It appears the petitioner's brother approached the first respondent for certified copies of pahanies. By impugned Memo dt.29.4.2003 he was informed that the land in S.No.3 belongs to Government that it is not recorded in the name of any pattadar or possessor, and that certified copies of pahanies cannot be given. Questioning the same, present Writ Petition is filed.

A counter affidavit is filed opposing the Writ Petition. It is stated that the land in S.No.3 admeasuring Ac.0.33 guntas in Vattinagulapally Village is Government land, that petitioner is not in possession of the same and that the land has been identified for construction of school and integrated community development. The respondents have also raised objection as to maintainability of the Writ Petition

contending that the title dispute raised by petitioner cannot be adjudicated by this Court having regard to the decisions of the Supreme Court in **Parvatibai Subhanrao Nalawade v. Anwarali Hasanali Makani and Mohan Pandey v. Usha Rani Rajgaria**. The petitioner filed a reply affidavit disputing the counter averments. It is stated that petitioner's father was regularly paying land revenue and that petitioner and other family members have been in continuous possession of the land.

There is a dispute regarding the nature of the land. Though petitioner has denied the contention of the respondents that it is a Government land, it is not possible to record a finding as to who is owner of the land. The petitioner has filed copies of land revenue receipts for the years 1964, 1968, 1973, which at best may prove the possession of the land by the concerned persons during those years. In any view of the matter, as there is title dispute, it is for the petitioner to avail remedy before civil Court and prove title. However, Sri Narasimhulu, representing Sri N.Ashok Kumar, learned counsel for petitioner, submits that petitioner made a representation for assignment of suitable land. If the petitioner is eligible in accordance with assignment rules, his case may be considered for assignment of the land within a period of three months from the date of receipt of a copy of this order. In this writ petition no relief can be granted to petitioner.

With the above observations, the Writ Petition is dismissed. No costs.

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(V.V.S.RAO, J)

20.7.2004

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ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Dy.Collector & Mandal Revenue Officer,

Rajendra Nagar Mandal, Rajendranagar,

Ranga Reddy District.

2. The District Collector, Ranga Reddy District,

Khairatabad, Hyderabad

3. 2 CCs to GP for Revenue, High Court Bldgs., Hyderabad (OUT)

4. 2CD copies